IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

Tarsem Lal and others PETITIONERS

VERSUS

State of Punjab RESPONDENT

CORAM : HON'BLE MR.JUSTICE MEHTAB S.GILL

Present:- Mr.Gulshan Sharma, Advocate for the petitioners.

Mr.D.K.Mittal, D.A.G. Punjab.

MEHTAB S.GILL, J.

I shall be deciding Criminal Revision No.700 of 1993 filed by Tarsem Lal son of Diwan Chand, Makhan Lal son of Bishna Mal, Nihal Singh son of Arjan Singh and Criminal Revision No.704 of 1993 filed by Kuldeep Singh son of Dalip Singh by a common order, as they arise out of the same judgment dated 13.10.1993 of the learned Sessions Judge, Faridkot.

The case of the prosecution is that Kuldip Singh who was a Munim with firm M/s Yadwinder Singh & Brothers, Baghapurana, was given a cheque No.798865 for Rs.1,50,000/- by the proprietor of the firm. He was asked to go to the Bank and have it encashed. Kuldip Singh went to the Bank. He collected the amount of Rs.1,50,000/- from the State Bank of India Branch, Baghapurana. This amount was collected on 24.1.1990 at about 1.30 p.m. The amount was put into a cloth bag. When Kuldip Singh reached in front of Bus Stand Baghapurana, a white coloured Maruti car stopped on the road. It was being driven by a wheatish complexioned man aged 40 years, wearing a pant and coat. On the front seat of the car a man aged 48-50 years was sitting. He was wearing a Kamij & Pyajama. He was slim built and dark complexioned. On the rear seat, a man aged 30/32 years was sitting. He was fat and medium statured. The man sitting on the rear seat asked Kuldeep Singh that he should go to the shop, as Gurbachan Singh was in urgency of meeting him. Kuldeep Singh parked his cycle near a fruit Rehri and sat down in the Maruti car. Kuldeep Singh was threatened not to say anything. After some distance his hands, legs and eyes were tied. The car was taken to the bank of a canal, where Kuldeep Singh was thrown out, near Village Panj Grain. The Jhola was snatched from him. Some people who were passing by, untied Kuldeep Singh.

Kuldeep Singh reported the matter to the police. D.D.R. No.24 dated 24.1.1990 was recorded at 6.15 p.m. which is Ex.PW6/A. No F.I.R. was registered, as the matter seemed doubtful. F.I.R. No.15 was registered on 26.1.1990 under Sections 382/34 I.P.C. at P.S. Baghapurana. During the course of investigation, Kashmir Singh S.H.O., P.S. Baghapurana while on a Naka

stopped Maruti Car No.DBC-3908. It was driven by Nishal Singh. Makhan Singh was sitting on the front seat of the car. The car was searched in the presence of the accused and from the foot mat of the rear seat of the car a cloth bag with the mark "M/s Yadvinder Singh & Brothers Arthia Baghapurana" was recovered. The bag contained 20 packets of currency notes having denomination of Rs.50/- each. Each packet was found to contain Rs.5000/- currency notes, of the denomination of Rs.50/- each. Inspector Kashmir Singh, S.H.O. P.S. Baghapurana took those 20 packets each containing currency notes worth Rs.5000/- in the shape of currency notes of the denomination of Rs.50/- along with the bag into possession, vide memo Ex.PA which was attested by Jaswant Singh.

Disclosure statements of the accused were recorded, which are Exs.PW-7/B, PW-7/C, PW-7/D and PW-7/E respectively. They were attested by L.C. Hardial Singh and ASI Mukhtiar Singh. On the basis of these disclosure statements, more stolen money was recovered.

The prosecution to prove its case, brought into the witness-box Des Raj Chawla PW-1, Gurbachan Singh PW-2, Jaswant Singh PW-3, Nirbhai Singh PW-4, LC Balwinder Singh PW-5, Constable Madan Lal PW-6, Inspector Kashmir Singh PW-7 and ASI Mukhtiar Singh PW-8.

I have heard the learned counsel for the parties and perused the record with their assistance.

The two independent witnesses Jaswant Singh PW-3 and LC Balwinder Singh PW-4 in whose presence Rs.1 lac was recovered, turned hostile. Inspector Kashmir Singh PW-7 has reiterated the case of the prosecution. He has stated that Rs.1 lac was recovered from the accused. The learned trial Court has

rightly held that nothing has come from the side of the accused that Inspector Kashmir Singh falsely implicated them in the case. The recovery of money i.e. the amounts of Rs.20000/- and Rs.15000/- was made from the possession of Kuldeep Singh and Tarsem Lal by ASI Mukhtiar Singh and HC Hardial Singh.

I do not find any infirmity in the judgment of the learned trial and the learned Appellate Court. The case is of the year 1990. Appeal in this Court has been pending since 1993. The sword of conviction has been hanging over the heads of the petitioners for the last 17 years. This itself is a punishment.

Conviction of the petitioners is maintained. Sentence of the petitioners is modified to the extent already undergone.

With the above observations, both the revisions petitions are dismissed.

(MEHTAB S.GILL)
JUDGE

July 13, 2007
GD

WHETHER TO BE REFERRED TO REPORTER? YES/NO